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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,094	02/05/2002	Seiichi Kusumoto	020619	7488
23850	7590	12/08/2003	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			DUONG, THOI V	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,094

Applicant(s)

KUSUMOTO ET AL.

Examiner

Thoi V Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the Amendment filed September 15, 2003.

Accordingly, claims 1 and 15 were amended, and new claims 18-20 were added.

Currently, claims 1-20 are pending in this application.

However, newly submitted claims 18-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 18-20 are drawn to a method of manufacturing a polarizing film comprising a step of controlling a retardation of the film.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 8-16 are objected to because of the following informalities: claims 8-16 should be currently amended claims since their limitations as well as their dependency are different from the original preliminary amendment filed October 16, 2002.

Appropriate correction is required.

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4. Claim 17 is objected to because of the following informalities: claim 17 is newly submitted claim since there are only claims 1-16 in the original preliminary amendment filed October 16, 2002. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner does not understand what a stretching ratio of no more than 50% (or of from 1 to 20%, or of from 2 to 10%) is. The specification does not disclose how this percentage is obtained.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 5, 8-10, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cael et al. (USPN 5,925,289) in view of Okada (JP401078236A).

Cael et al. discloses a polarizing film comprising a stretched film containing iodine (col. 6, lines 45-59 and col. 7, lines 66 through col. 8, line 12),

wherein, as shown in Fig. 2C, an absorbance of said polarizing film comprises an absorption peak A of about 4.7 in a wavelength range of 550 to 650 nm and an

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absorption peak B of about 4.6 in a wavelength range of 450 to 520 nm and an absorbance characteristics ratio of (absorption peak A/absorption peak B) is no more than 1.5,

wherein a transparent protective layer can be provided as support materials for the polarizing film and a variety of adhesives for lamination with other members (col. 7, lines 31-56); and

wherein the polarizing film has a thickness from about 38 to about 51 micrometers.

Cael et al. discloses that the polarizing film has polarizing efficiency and high luminous transmittance (col. 2, lines 41-46). Cael et al. discloses a polarizing film that is basically the same as that recited in claims 1, 2, 5, 8-10 and 14-16 except for arranging the polarizing film in a crossed Nicol. Okada discloses a liquid crystal element wherein a polarizing film is arranged in a crossed Nicol to improve contrast and brightness of the display (see Abstract). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the polarizing film of Cael et al. with the teaching of Okada by arranging the film in a crossed Nicol so as to improve the contrast and brightness of the display.

9. Claims 3, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cael et al. (USPN 5,925,289) in view of Okada (JP401078236A) as applied to claims 1, 2, 5, 8-10 and 14-16 above and further in view of Suzuki et al. (USPN 6,033,743).

The polarizing film of Cael et al. as modified in view of Okada above includes all that is recited in claims 3, 4, 6 and 7 except for forming a hard coat layer, an adhesive layer, and a retardation plate on the polarizing film. As shown in Fig. 3, Suzuki discloses an antireflection film used with a polarizing film in liquid crystal display (col. 1, lines 10-19), comprising a transparent protective layer 11, a hard coating layer 15 on an external surface of the transparent protective layer through an adhesive layer 14, and an ultrafine particle layer 22 (brightness enhanced plate). Suzuki discloses that a resin composition which has excellent dispersibility of ultrafine particles may be used in any of the hard coating layer 15, the layer 22 and the layer 13 to prevent whitening (col. 1, lines 53-59; col. 3, lines 43-58). In addition, in Fig. 5, Suzuki discloses that a retardation plate is inserted into between a liquid crystal display element 6 and a polarizing film 5 (col. 9, lines 65-67) for enhancing the display brightness. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the polarizing plate of Kitaura with the teaching of Suzuki by forming a hard coating layer comprising transparent particles in dispersed state so as to obtain a display with low whitening, excellent transparency, and excellent antireflection effect (col. 16, lines 6-10).

10. Claims 11-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cael et al. (USPN 5,925,289) in view of Okada (JP401078236A) as applied to claims 1, 2, 5, 8-10 and 14-16 above and further in view of Kausch et al. (USPN 6,610,356 B2).

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The polarizing film of Cael et al. as modified in view of Okada above includes all that is recited in claims 11-13 and 17 except for a stretching ratio and a polarizing film which is of reflection type. Kausch et al. discloses a reflective polarizing film which does not crack under stretching conditions in which a stretch ratio is between 2:1 and 10:1 (col. 2, lines 15-62). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the reflective polarizing film of Cael et al. to prevent the film from cracking under the processing conditions.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (703) 308-3171. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (703) 305-3492.

Thoi Duong

11/29/2003


T. Chowdhury
Primary Examiner